

OF A JUDGE WHO DIED

On the Eve of the Trial of
Two Murderers

WHOSE DIABOLICAL DEED

Was as One of the Judge's
Own, Saving the Intent.

Chester, Pa., Feb. 10.—Judge Thomas J. Clayton, of Delaware county, is dead. And so the most remarkable figure in what promises to be the most extraordinary murder case Pennsylvania has ever developed has passed away.

His death was due to no disease but simply to a complete collapse of his powers.

It was to have been the strange fate of the great jurist to have tried two men—brothers—for a crime so strikingly similar to a deed he himself committed that the intent alone divided them. The accused murderers of George B. Eyre, the wealthy Chester clubman, and handsome, popular Guardsman, were to stand face to face with a man who, on almost the very same spot upon which they were alleged to have slain their victim, had also slain his man, but by accident—and he was to have been their judge!

It is a curious fact, a coincidence odd almost beyond belief, that the man who met death at the gun of Judge Clayton was none other than a relative of James and Amos Pierce, the prisoners in the Media jail, charged with this terrible killing on Raccoon Creek.

For twenty-five years Thomas J. Clayton had been upon the bench for twenty-five years not a man had been hanged in Delaware county. Murders there have been a plenty, and convictions not a few; confessions have been made, but that dire dread which this jurist had of sending another man to meet his Maker has saved the murderers' lives.

And now the people of Chester are wondering; physicians are puzzled over these "revisions." Did not the dread of trying a case so similar to his own, and yet a thousand times more horrible, because of its motive, hasten Judge Clayton to his grave? Are not the slayers of George B. Eyre responsible for another death? Thousands think so.

It is a pathetic tale—that of Judge Clayton's adventure which marred his life's work, but tempted his justice with mercy as a cutter tempers a knife. In his youthful days he had been a sportsman. The reads of the Delaware's Jersey shore and the points of Raccoon Island were places of delight to him. There he hunted the rail bird and the duck.

Clayton had been Judge but a year. His routine and his been administrative of the law had already made him the idol of the people. Then it was that the jurist and Benjamin Heacock went gunning for rail birds. A strange turn of mind led them directly across the Delaware to Raccoon Creek, to the spot where twenty-four years later George Eyre, then a tiddler clinging to his mother's skirts, was to be struck down by a gunshot.

Heacock was paddling; Clayton sat in the skiff, a gun across his knees, waiting for a shot. A rail bird arose. It flew swiftly along the marshy shore. The Judge sighted it down the barrel of his gun. He did not see anything else—only the bird; it was the instinct of a sportsman. Then as the little feathered creature reached the spot for which he had been waiting Clayton fired. The bird flew on, but there in the boat, weltering in his own blood, his fingers still working convulsively in the throes of death, lay Heacock. A hole as big as an orange had been torn in the back of his head.

It was an accident. Heacock should have dropped to the bottom of the boat when the bird flushed. But that terrible horror felt by one man who has slain another was upon Judge Clayton. Slowly he scullied back to Chester. No attempt to conceal the killing did he make. A corner's jury exonerated him and the matter might have passed there, but it did not. To in some degree mitigate the loss of Heacock's widow the sorrowing jurist made her a present of \$5,000 and pardoned her for life.

The curtain was lowered over Raccoon Creek and its tragedy for twenty-four years.

In the meantime George B. Eyre had grown to manhood. His father had died, and he was one of two heirs to a rich estate. The pride of his grandmother, Eyre had been made the sole heir of her possessions. He belonged to all the fashionable clubs of Chester. He was adjutant of the Sixth, the crack regiment of Pennsylvania's Guards.

A loving son was Eyre. He never left town nor, having come, returned without sending word to his mother. So when he telephoned that he was going ducking on the morning of December 21, and that he would be home for dinner, the meal was permitted to arrive and go on in that home of luxury before the family sat down to it. They were waiting for the footstep of the one who was never to come. That was of a Thursday night.

Friday passed and Saturday rushed by. Then the Eyres notified the police and the members of the club of which George was a member that he was missing. Long searches of boats patrolled the Delaware all Sunday searching for the man, who like fashion.

At this point it became whispered that if Eyre was in the Delaware his was not an accidental death. It was discovered that the Alpha Boat House, from which the missing man had set out, had been robbed—every locker there, all but the one which bore Eyre's number, had been pilfered. And in that locker were Eyre's street clothes, a sum of money and two theatre tickets. His gunning clothes he had worn when last he was seen alive. A boat owned by Donald Ladomus had been taken.

Rewards for the finding of the missing man, dead or alive, were offered in rapid succession until the sum reached nearly \$15,000. The Eyre family offered a large amount, every organization in which the missing man was a member stood ready with its treasury to solve the mystery. City Councils appropriated a big sum to further the search. And yet, hunt as they would, not a soul for weeks could find a single trace of this wealthy son of Chester.

At last a paddle, a peculiar bit of wood with a spike driven into the end of it, was discovered lying in the reeds miles below Chester on the Delaware shore, and then another was found. These were deemed the mystery, for they were unmistakably Eyre's. But where was the owner?

There were those who said, and who

ardently believed, that Eyre had simply taken himself away for a time and would come back again. Others declared that his adventurous spirit had driven him to South Africa to fight the Boers. But his strong box was intact in bank, and it had five thousand dollars in it.

There has never been a perfect crime committed, somebody has always blundered. Sometimes it was in a single look, the careless loss of a word, among those who said they believed that Eyre would one day return, to be startled at the search made for him, were the Pierces. So thoroughly convinced were they of this, declared they, that to search was useless. And people began to look at them askance, for it was known that at least "Jim" Pierce had frequently been ducking with Eyre. Indeed, Pierce admitted that he had been engaged to go with him on December 21, but said he had not been able to keep it.

Scarcely had suspicion pointed in the direction of the Pierces than the Ladomus boat was found floating on the bosom of the Delaware. "Jim" Pierce admitted that it had been sent adrift by him, but declared that he had found it. On the bottom of the skiff, dyed so deeply in the wood that nothing could erase them, were blood red blotches. These Pierce said were made by duck blood, but chemists said human blood had stained the boards. Pierce was arrested on a charge of larceny, and the first man to offer to go to his jail was a brother of Thompson Heacock, the victim of Judge Clayton's shotgun twenty-four years before.

All this was but by-play. The mystery of Eyre remained as deep as ever.

But the waters were to give up the dead. What dredges had failed to do, what scores of men had left undone, the tide itself performed.

Along the shore of Raccoon Island, a place of rushes and marshes, John Karnan wandered, gathering firewood. It was on January 21, a month to the day since Eyre had disappeared. The police and the missing man's friends had given up the search. The murderer, if murder it was, they admitted must go forever ununited.

Karnan saw but a few feet from the shore, he thought, a bigger piece of wood than the fagots he had. His boat hook sank into the object and slowly it was dragged ashore. There before him lay the water swollen features of George B. Eyre; there was the dark blue sweater, the hunting coat, the knickerbockers and the gunning boots Eyre had worn when last he was seen alive.

And there tied about the legs with a fisherman's knot was a boat rope. Dangling in the water Karnan saw attached to the rope a noose. Then it was plain why George Eyre's body had not been found. It had been anchored by a stone to the bottom of the Delaware.

But it was not until the coroner had drawn the body upon the land that a hole as big as an orange was located at exactly the same point of the one in the first Raccoon Creek tragedy was discovered in the back of Eyre's head. And from this hole as the remains were placed upon a board rattled blood-begrimed grains of ducking shot. There was no mistaking the identity of the body. Dozens saw and recognized it.

As the victim, enclosed in a heavy cloth-covered casket, was being taken from his mother's home to be laid beside his father in Chester Rural Cemetery, "Jim" Pierce, standing on the railroad tracks, watched the hearse go by. And that night he was arrested. So was his brother Amos.

Silently the arrests were made. Search was made. Both men knew precisely what the officers had come for and why. They marched along without a protest, but once inside the City Hall, once the heavy doors had closed upon him, "Jim" Pierce fainted dead away.

"And what next did he say?"

It was at the hearing. Hundreds had pushed and cuffed their way into the room. The District Attorney, almost alone, stood at the head of the bench. Behind him, the prisoners, James and Amos Pierce, their attorneys, their caregivers, wives, and their aged, tottering father close about them. At the left sat District-Attorney Smith, Chief of Police Berry and several others. In front upon a common chair was seated a young woman just turned twenty-two. The world had been harsh with her. She had stricken it wrong and each stroke had been resented. This woman had been pretty. She was pretty still, but the beauty was fading away. Her eyes had lost their lustre and her lips were almost blue. She was Mary Cowan, and it was to her that the question was addressed.

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"On Friday night, December 21, and oh! you should have seen him when he said it!"

Then followed a recital so vivid and appalling that the spectators forgot to breathe another; forgot that they had stood two hours and had been weary with standing.

Mary Cowan said she lived at No. 41 Tenth street, Wilmington. Six or eight years ago she had been married to a man named Pierce, who had been a member of the Raccoon Creek club. She said that she had been married to him for about a year, and that she had been with him when he was killed on Raccoon Creek.

"I came to him," said Mary Cowan. "He started at my footstep. Then reaching into his pocket, he pulled out a big roll of bills. He handed me a ten dollar note and asked me to go out into the street with him. We went. 'Jim' bought me a shirt and a pair of shoes. He wanted to buy me a ring, but I said I had one and did not need it. Then he declared he, 'you shall have a watch. But I will buy it in the morning. Let's go home now,' he cried, and clutched my arm until it seemed as though it must be crushed.

"There I left him," said the Cowan woman, "shrinking on the bed. I said he was nervous and just needed a drink, but he would not have it."

"When I returned," Mary Cowan went on, "Jim had fallen into a dose, but as I entered the room he sat up in bed. 'I killed him! I killed him! I killed him!' he shrieked. 'I killed him! I killed him! I killed him! I said persuasively; you didn't kill anybody. 'I killed him, I told you! I murdered

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George Eyre, Christmas was coming and I had no money. He had plenty. I killed him, and I'll tell you all about it."

And then, groveling in fear, his eyes shining as one pursued who cannot escape, his voice quivering with terror as he seemed to gaze at the spectre always before him, "Jim" Pierce, the woman alleges, told her of the murder.

"Pinney," that's Amos, my brother, you know, was in it, too," said he. "George and I went over to Raccoon Creek. Pinney came along in another boat. Then I shot George, and Pinney and I tied a stone to him and dropped him overboard in the creek. We filled George's coat with stones and sunk it in two feet from where the body was thrown."

"We sunk it! We sunk it!" he murmured, and the thought seemed to soothe his aching brain.

"Then he showed me Eyre's watch, and his ring, with the diamond, ruby and sapphire setting. Pinney had taken part of the money as his share."

"After telling me of the murder," Mary Cowan continued, "Jim appeared calmer than at any time before, and fell asleep. In the morning he went out, and when he came back he brought me a watch."

"If you will go with me to Chester," he said, "we will get a boat and I will row you over and show you just where his body is sunk."

Pierce remained in Wilmington until Sunday, when he returned to Chester. On Tuesday he was back in Wilmington, according to the woman, saying that he had been over to Raccoon Creek on Monday.

On Monday it had rained and snowed; a gale had lashed the waters of the Delaware until they danced with white-capped billows. Was it that ghastly fascination which draws murderers, whether they will or not, to the scene of their crime, which impelled Pierce?

On that Tuesday Pierce, so swears the Cowan woman, again begged her to go with him to the scene of the murder, but she would not. And now, it is asked: Did that hesitancy save her life? Did Pierce, regretting his location, seek to lure her to that lone spot so that not a witness of his confession might remain to repeat the tale?

But as the stories of George B. Eyre's disappearance went into print and she read them the awful secret she had heard near drove Mary Cowan desperate. The scene which she declared pursued Pierce now seemed to pursue her. She could not sleep at night, and in the day time her ears rung with "I killed him! I killed him! I killed him!"

So when the body of George Eyre was found Pierce's sweetheart came to Chief of Police Berry and made a clean breast of it all.

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